EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order has the effect that no fire authority is now required to maintain a fire brigade pensions fund and the requirement that fire authorities shall maintain separate pension accounts is made general. Fire authorities are also empowered to establish pension reserve accounts.

The Fire Services (Pensionable Employment) (Scotland) Regulations, 1950

1950 No. 158 (S. 12)

Made - - - -	*27th January*, 1950
Laid before Parliament	*30th January*, 1950
Coming into Operation	*31st January*, 1950

In exercise of the powers conferred on me by section twenty-eight of the Fire Services Act, 1947(a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fire Services (Pensionable Employment) (Scotland) Regulations, 1950, and shall come into operation on the 31st day of January, 1950.

2. In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"established civil servant" means a person serving in an established capacity in the permanent civil service of the Crown who holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners;

"pensionable member of a fire brigade" means a person who is a fireman within the meaning of the Firemen's Pension Scheme, 1948(b), or who is treated as such for the purposes of that Scheme;

"pensionable service" has the meaning assigned to it in the Firemen's Pension Scheme, 1948.

3. The Interpretation Act, 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

4. These Regulations shall apply in the case of a person who, ceasing to be a pensionable member of a fire brigade in Scotland in order to enter on employment as an established civil servant:—

(*a*) is not granted an award other than a gratuity or an award by way of return of contributions under the Firemen's Pension Scheme, 1948; and

(*b*) enters on such employment.

5. If such a person as is referred to in Regulation 4 of these Regulations, within three months after the date on which he enters on employment as an established civil servant:—

(*a*) gives notification in writing to the Department in which he is then employed that he desires these Regulations to apply to him; and

(*b*) pays to the fire authority by whom he was employed immediately before he ceased to be a pensionable member of a fire brigade an amount equal to the amount of any gratuity or award by way of return of contributions made to him on so ceasing;

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1948 (No. 604) p. 1091. (c) 52 & 53 Vict. c. 63.

he shall be entitled to reckon for the purposes of the Superannuation Acts, 1834 to 1949, a period equal to the period of pensionable service which he was entitled to reckon immediately before he ceased to be a pensionable member of a fire brigade increased by one-third, as if it had been a period of service as an established civil servant continuous with his period of actual service as such:

Provided that where part of that period of pensionable service counted as such by virtue of an undertaking to make payments in accordance with the Eleventh Schedule to the Firemen's Pension Scheme, 1948, and the liability under the said undertaking was not discharged before he ceased to be a pensionable member of a fire brigade, that part of the said period shall be ignored for the purposes of this Regulation, unless he enters into an agreement to pay to the said Department an amount equal to the balance outstanding under the said undertaking immediately before he ceased to be a pensionable member of a fire brigade.

6.—(1) Where a person is entitled to reckon service under the provisions of Regulation 5 of these Regulations, the fire authority shall pay to the said Department a transfer value calculated in accordance with paragraph (2) of this Regulation.

(2) The transfer value shall be equal in amount to the transfer value which would have been payable under section twenty-four of the Local Government Superannuation (Scotland) Act, 1937(**a**), had the person's service as a pensionable member of a fire brigade been service as a contributory employee of a local authority within the meaning of the said Act and had he within twelve months of ceasing to be so employed become such a contributory employee under another local authority, and for the purpose of calculating the transfer value—

(*a*) the person shall be treated as though he had been employed as an officer;

(*b*) a reference to a period of contributing service shall be construed as a reference to a period equal to the period of pensionable service which the person was entitled to reckon immediately before he ceased to be a pensionable member of a fire brigade, increased by one-third; and

(*c*) a reference to remuneration shall be construed as a reference to annual pensionable pay within the meaning of the Firemen's Pension Scheme, 1948:

Provided that where he has given an undertaking to make payments in accordance with the Eleventh Schedule to the Firemen's Pension Scheme, 1948, the transfer value payable in respect of him shall be reduced by an amount equal to the balance outstanding under the said undertaking immediately before he ceased to be a pensionable member of a fire brigade.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
27th January, 1950.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide in the case of a person transferring from the fire service to the civil service for the reckoning of pensionable service as a fireman as service for the purposes of the Superannuation Acts, 1834 to 1949.

(a) 1 Edw. 8 & 1 Geo. 6. c. 69.